

**TOWN OF RED CEDAR ORDINANCE AMENDMENT**

**No: 2013-5**

**An Ordinance Amending Town Ordinance No: 2013-01  
Nonmetallic Mining Ordinance**

The Town Board of the Town of Red Cedar, Dunn County, Wisconsin does ordain as follows:

**SECTION I. PURPOSE**

The purpose of this ordinance amendment is to exempt pre-existing nonmetallic mines from the requirements of the Town's nonmetallic mining ordinance.

**SECTION II. AMENDMENT**

Section 2(1) of the ordinance is amended as follows (added language is underlined, deleted language is struck through):

(1) This Chapter shall apply to all nonmetallic mining operations and mine sites including processing and bulk material transportation loading facilities and related rail spurs within the Town of Red Cedar which extract or process more than 5,000 cubic yards of material in any calendar year, and does not apply to activities set forth in (a) through (i) ~~(h)~~ below.

Section 2(1)(i) of the ordinance is added (added language is underlined):

(i) Nonmetallic sand and gravel mines which have received a reclamation permit and special exception permit from Dunn County shall not be required to register or apply for a license under this Ordinance, as long as said mine operates under the reclamation plan and special exception permit approved by the County which were in effect at the time this Ordinance was enacted. If the reclamation plan or special exception permit is modified, the mine is considered a new operation and is subject to the licensing requirements of this ordinance. An exemption from the requirements of this ordinance does not prevent the Town from requiring the operator of the exempt nonmetallic mining operation to abide by all other Town ordinances, or to enter into a highway use agreement under Wis. Stat. 349.16, or to abide by any other regulatory authority available to the Town.

**SECTION II. SEVERABILITY**

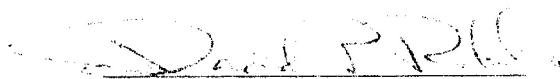
If any provision of this Ordinance or any application of this Ordinance to any person or circumstance is found to be invalid or unconstitutional, such a finding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

**SECTION III. EFFECTIVE DATE**

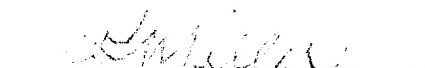
This Ordinance shall take effect upon passage and publication as provided by law.

Adopted this 15<sup>th</sup> day of April, 2013.

TOWN OF RED CEDAR



Ron Robelia, Town Chair



Cheryl Miller, Town Clerk

Voted for: 4

Voted against: 0

Abstained: 1

Date adopted: 04/15/2013